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RCE#
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**REQUEST
FOR
CONTINUED EXAMINATION (RCE)
TRANSMITTAL**

Address to:
Commissioner for Patents
Box RCE
Washington, DC 20231

Application Number	10/065,539
Filing Date	October 29, 2002
First Named Inventor	DONDI, Beda Charles
Art Unit	2837
Examiner Name	SAN MARTIN, Edgardo
Attorney Docket Number	10583.3801

This is a Request for Continued Examination (RCE) under 37 CFR 1.114 of the above-identified application. Request for Continued Examination (RCE) practice under 37 CFR 1.114 does not apply to any utility or plant application filed prior to June 8, 1995, or to any design application. See Instruction Sheet for RCEs (not to be submitted to the USPTO) on page 2.

1. **Submission required under 37 CFR 1.114**

- a. ☒ Previously submitted
- i. ☒ Consider the amendment(s)/reply under 37 CFR 1.116 previously filed on November 8, 2004
(Any unentered amendment(s) referred to above will be entered).
- ii. ☐ Consider the arguments in the Appeal Brief or Reply Brief previously filed on _____
- iii. ☐ Other _____
- b. ☐ Enclosed
- i. ☐ Amendment/Reply
- ii. ☐ Affidavit(s)/Declaration(s)
- iii. ☐ Information Disclosure Statement (IDS)
- iv. ☐ Other _____

2. **Miscellaneous**

- a. ☐ Suspension of action on the above-identified application is requested under 37 CFR 1.103(c) for a period of _____ months. (Period of suspension shall not exceed 3 months; Fee under 37 CFR 1.17(i) required)
- b. ☐ Other _____

3. **Fees**

The RCE fee under 37 CFR 1.17(e) is required by 37 CFR 1.114 when the RCE is filed.

- a. ☒ The Director is hereby authorized to charge the following fees, or credit any overpayments, to Deposit Account No. 13-1130
- i. ☒ RCE fee required under 37 CFR 1.17(e) - \$395.00
- ii. ☐ Extension of time fee (37 CFR 1.136 and 1.17)
- iii. ☐ Other _____
- b. ☒ Check in the amount of \$ 395.00 enclosed
- c. ☐ Payment by credit card (Form PTO-2038 enclosed)

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT REQUIRED

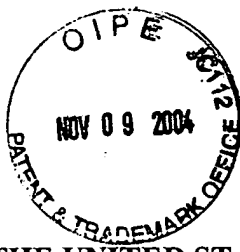
Name (Print/Type)	<u>Barry L. Haley, Esq.</u>	Registration No. (Attorney/Agent)	<u>25,339</u>
Signature	<u>Barry L. Haley</u>	Date	<u>November 9, 2004</u>

CERTIFICATE OF MAILING OR TRANSMISSION

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner For Patents, Box RCE, Washington, DC 20231, or facsimile transmitted to the U.S. Patent and Trademark Office on the date shown below. Label No. EV 465821828 US

Name (Print/Type)	<u>Arlette J. Breakstone</u>
Signature	<u>Arlette J. Breakstone</u>
Date	<u>November 9, 2004</u>

Burden Hour Statement: This form is estimated to take 0.2 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND Fees and Completed Forms to the following address: Assistant Commissioner for Patents, Box RCE, Washington, DC 20231.



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

November 8, 2004

In re application of : DONDI, Beda Charles
Serial No. : 10/065,539
Filed : October 29, 2002
For : **MUFFLER FOR SUCTION SYSTEM
EXHAUST AIR USED WITH AN
AUTOMATIC CUTTING MACHINE**
Examiner : SAN MARTIN, Edgardo
Art Unit : 2837
Our File No. : 10583.3801

AMENDMENT AFTER FINAL UNDER RULE 1.116

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Hon. Commissioner of Patents and Trademarks
Alexandria, VA 22313-1450

Dear Sir:

In response to the Examiner's Final Office Action of May 20, 2004, this amendment is submitted to place the case in condition for allowance on its face. Reconsideration is respectfully requested. Applicant files herewith the three month extension of time with the appropriate fee extending the time to respond to November 20, 2004.

Please amend the application as follows:

Claims 1, 2, 3, 5, 6 and 7 are pending in the application.

The amendment to the claims is on pages 2 through 4.

The remarks are on pages 5 through 7.